

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 05-54408

JOHN WILSON, and  
MARY WILSON,

Chapter 7

Judge Thomas J. Tucker

Debtors.

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**OPINION AND ORDER APPROVING FIRST APPLICATION OF BERNARDI,  
RONAYNE & GLUSAC, P.C., FOR AWARD OF FEES AND REIMBURSEMENT OF  
EXPENSES AS ATTORNEYS FOR TRUSTEE**

This case is before the Court on the fee application filed November 16, 2009, entitled “First Application of Bernardi, Ronayne & Glusac, P.C., for Award of Fees and Reimbursement of Expenses As Attorneys for Trustee” (Docket # 591, the “fee application”). A proper 20-day notice of the fee application was served by mail on November 16, 2009 on all parties in interest.

The deadline for filing objections to the fee application was December 9, 2009. A total of 24 objections have been filed, all or nearly all of them from persons who are incarcerated.

Timely objections were filed by the following individuals:

<u>Filing Date</u>	<u>Docket #</u>	<u>Objecting Party</u>
11/20/09	593	Creditor Miro Laguna
11/23/09	594	Creditor Jose Quiroga
11/25/09	596	Creditor Troy Meyers
11/30/09	600	Creditor Barbara Smithey
11/30/09	601	Creditor James Snow
11/30/09	602	Creditor Donte Quinn
11/30/09	603	Creditor Tommy Adams
11/30/09	604	Creditor Douglas W. Sawyer
11/30/09	605	Creditor Juan Padilla
11/30/09	606	Creditor Steven A. Taliani
11/30/09	607	Creditor Kendric Hayes
12/1/09	608	Creditors Hildegard and Gregory Bartholomew
12/2/09	609	Creditor James DeLso

<u>Filing Date</u>	<u>Docket #</u>	<u>Objecting Party</u>
12/2/09	610	Creditor Antonio Jose Martinez
12/2/09	611	Creditor Val-Jean Durr
12/3/09	614	Creditor Robert Welch
12/3/09	615	Creditor Leomia Ellis
12/3/09	616	Creditor Roberto Valazquez
11/30/09	617	Creditor Wayne Barnslater
12/7/09	620	Creditor Robert Hernandez
12/8/09	621	Creditor Addie Harrington
12/9/09	622	Creditor Karl Roberts

*Untimely* objections were filed by the following individuals:

<u>Filing Date</u>	<u>Docket #</u>	<u>Objecting Party</u>
12/10/09	623	Creditor Jarmain Merritt
12/10/09	624	Creditor Margarito Castro

The Court has reviewed the fee application, and all of the objections. The Court concludes that a hearing is not necessary; that all of the objections should be overruled, and that the fee application should be granted.

None of the objections state any valid ground for disallowing or reducing the fees requested by the Trustee's counsel in the fee application. Rather, the objections (1) complain about the conduct of the Debtor John Wilson, and in some cases, ask that the Debtor rather than the bankruptcy estate be required to pay the Trustee's attorney fees; (2) ask that the objecting creditor be paid on his/her claim; (3) in some cases, ask that his/her claim be paid before the attorney fees of the Trustee's counsel are paid; (4) erroneously state or assume that the Chapter 7 Trustee's counsel represents the Debtor John Wilson, rather than the Trustee;<sup>1</sup> and (5) otherwise, state objections that are clearly without merit.

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<sup>1</sup> See Objection of Donte J. Quinn (Docket # 602).

While the objections express some valid concerns in general, these concerns are not relevant to the merits of the fee application. Under § 726(a) of the Bankruptcy Code, administrative expenses, including attorney fees and expenses of the Chapter 7 Trustee's counsel, must be paid in full before other creditors' claims can be paid anything. *See* 11 U.S.C. 726(a). In this case, fortunately, it appears that there are enough funds in the bankruptcy estate to pay a significant portion, and perhaps all, of the allowed claims of creditors.<sup>2</sup> The work of the Trustee and his counsel in this bankruptcy case has helped to make this possible, and it appears that the Trustee will be able to make disbursements to all creditors with an allowed claim, in the near future.

The question now before the Court is whether the requested attorney fees and expense reimbursement by the Trustee's counsel are "reasonable" under Bankruptcy Code § 330(a). The Court finds that they are reasonable, and therefore, they should be allowed. Accordingly,

IT IS ORDERED that the fee application (Docket # 591) is granted, and all of the objections to the fee application are overruled.

IT IS FURTHER ORDERED that Bernardi, Ronayne & Glusac, P.C., attorneys for Wendy Turner Lewis, the Chapter 7 Trustee, is awarded fees for the period of July 10, 2005 through October 31, 2009, in the amount of \$19,335.00 and reimbursement of expenses in the amount of \$476.48.

**Signed on December 14, 2009**

**/s/ Thomas J. Tucker**  
**Thomas J. Tucker**  
**United States Bankruptcy Judge**

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<sup>2</sup> The fee application states that the bankruptcy estate has recovered funds in the amount of \$161,742.67.